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ROBERT M. HALPERIN
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May 18, 1992

BY HAND DELIVERY

Ms. Donna R. Searcy
Secretary
Federal Communications Commission
1919 M Street, N.W.
Room 222
Washington, D.C. 20554

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MAY 18 1992

Federal Communications Commission
Office of the Secretary

Re: Application for Membership of
Loral Qualcomm Satellite Services, Inc.
CC Docket No. 92-76

Dear Ms. Searcy:

Enclosed for filing on behalf of Loral Qualcomm Satellite Services, Inc. are an original plus nine (9) copies of its Application for Membership in the above-referenced matter.

If there are any questions concerning these materials please contact the undersigned.

Respectfully submitted,



Robert M. Halperin
Counsel for Loral Qualcomm Satellite
Services, Inc.

Enclosures

No. of Copies rec'd CH 9
List A B C D E 9

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MAY 18 1992

Before the
Federal Communications Commission
Washington, D.C. 20554

Federal Communications Commission
Office of the Secretary

In re)
)
Establishment of an Advisory) CC Dkt No. 92-76
Committee To Negotiate)
Proposed Regulations)

APPLICATION FOR MEMBERSHIP

Loral Qualcomm Satellite Services, Inc. (LQSS), by its attorneys and pursuant to the Public Notice in the above-captioned proceeding (DA 92-443; released April 16, 1992), hereby submits its application for membership on the Negotiated Rulemaking Committee (Committee) which is proposed to be convened in this docket, the so-called "Little LEO" proceeding. LQSS is an applicant for authority for a low-earth orbit (LEO) RDSS system, GLOBALSTAR, (LQSS Application, filed June 3, 1991) as well as for a pioneer's preference (LQSS Request for Pioneer's Preference, filed November 4, 1991), and has filed a related rulemaking petition (LQSS Petition for Rulemaking, filed November 4, 1991). LQSS makes this application in order that its interest, which will be significantly affected by the proposed rules, will be adequately represented, and to ensure that no unfairness results in the event that any other "Big LEO" applicant seeks to become or becomes a member of the Committee.

Pursuant to the requirements of the Negotiated Rulemaking Act of 1990 (NRA), 5 U.S.C. 584(b), and Paragraph 11 of the

Commission's Public Notice, LQSS submits the following information:

(a) The applicant for membership is Loral Qualcomm Satellite Services, Inc. (LQSS). LQSS will represent its interest as an applicant for a Big LEO authorization. In the Big LEO proceedings, most of the issues noted in Paragraph 6 of the Commission's Public Notice are involved and many of these issues and the principles and precedents set in resolving them would affect the Big LEO proceedings (even if different frequency bands are involved). (Paragraph 11(a).) With respect to each of the matters set forth in Paragraph 6 of the Public Notice, LQSS has, does and will not have "a similar point of view" nor will it be "likely to be affected in a similar manner," 5 U.S.C. § 584(b) as the entities or interests set forth in Paragraph 7 of the Public Notice as participants in the Committee. See Note 1, below. See also S.303, Senate Report No. 101-97, Report of the Committee on Governmental Affairs, U.S. Senate, 101st Cong. (1989), at 11, 13-15; H.R. 743, House Report No. 10-461, Report of the Committee on the Judiciary, 101st Cong. (1984), at 12. Accordingly, since LQSS "will be significantly affected by the proposed rule and its interests will not be adequately represented by any person specified in [the] notice," 5 U.S.C. § 584(b), it is entitled to participate on the Committee.

(b) LQSS, the applicant, does not seek to represent any other party. Therefore, LQSS need not submit "[e]vidence that [it] is authorized to represent parties related to the interests the person proposes to represent." (Paragraph 11(b).)

(c) Attached to this application is a written commitment from the applicant that it "shall actively participate in good faith in the development of the rules under consideration. . . ." (Paragraph 11(c).)

(d) The reasons the persons specified in the Public Notice (in Paragraphs 7 and 8)^{1/} "do not adequately represent the interests of the person submitting the application" (Paragraph 11(d)) are: (1) none of those specified are Big LEO applicants, and therefore, while the issues set forth in the Notice overlap closely with the Big LEO proceedings, the point of view, goals and interests of Big and Little LEO applicants, and of potential service users, are different; (2) the treatment of LEO technology is important to both Big and Little LEO applicants, but Little LEO applicants and users cannot represent the interests of those proposing Big LEO technology and are not expert with respect to it; (3) the international posture of Big LEO applicants is distinct and divergent from Little LEO applicants (or users); (4) the precedents sent in this Little LEO setting can affect the international community in which Big LEO systems will operate and the interests of Big and Little LEO applicants, and of potential service users, are different in this regard; and (5) the Big LEO interest (on such issues as frequency coordination, multiple entry) should be represented so that Little LEO issue resolution does not have unintended side effects on Big LEO systems, either domestically or internationally.

The qualified individuals designated by the applicant, LQSS, to represent the interest of LQSS, as shown in the attached written commitment are Kevin J. Kelly, Robert M. Halperin and/or Leslie A. Taylor. (Paragraph 14(B); cf. Paragraph 8.)

This application demonstrates that the NRA and Notice criteria for participation in the Committee in this docket have

^{1/} Those persons specified were: "all applicants to provide small LEO services in the affected bands, all existing users of these frequencies for terrestrial or space services," and in particular, individuals representing Volunteers in Technical Assistance, Orbital Communications Corporation, Starsys, Inc. and the Domestic Facilities Division, Common Carrier Bureau. Public Notice, ¶¶ 7-8.

been met. Accordingly, LQSS submits this application for membership on the Committee and asks that it be promptly granted.

Respectfully submitted,

LORAL QUALCOMM SATELLITE SERVICES, INC.

By: Robert M. Halperin

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Dated: May 18, 1992

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Application for Membership, and Statement and Commitment of Applicant of Loral Qualcomm Satellite Services, Inc. were delivered by hand, this 18th day of May, 1992, to the following:

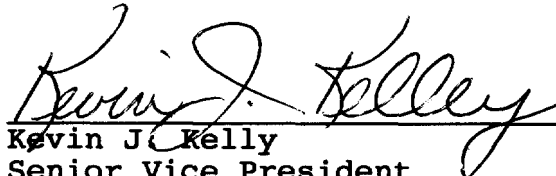
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Federal Communications Commission
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Kristi L. Kendall, Esq.
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Federal Communications Commission
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Robert M. Halperin

**STATEMENT AND
COMMITMENT OF APPLICANT**

Loral Qualcomm Satellite Services, Inc. (LQSS), as set forth in this Statement and Commitment and in the accompanying Application for Membership, applies for membership in the Negotiated Rulemaking Committee with respect to CC Docket No. 92-76, FCC Public Notice, DA 92-443, released April 16, 1992. As President of LQSS, I hereby commit that LQSS shall actively participate in good faith in the development of the rules under consideration in this proceeding. I also commit that Kevin J. Kelly, Robert M. Halperin and/or Leslie A. Taylor are the qualified individual(s) designated to represent the interest of LQSS, and that I am duly authorized to make this application, commitment, and designation.



Kevin J. Kelly
Senior Vice President
Loral Qualcomm Satellite Services,
Inc.

Dated: May 18, 1992